

**REMARKS**

The present invention is directed to a method for beneficial control of body condition and dietary energy balance in dairy cattle during colostrum milk production.

Claims 1-11 are pending, and claims 1, 4 and 10 have been amended herein to correct minor typographical errors.

Claims 1-11 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 09/928,624 in view of Block et al. (U.S. Patent 6,299,913) and Lundein (Feedstuffs, vol. 73(47), pp. 8, 12, Nov. 2001). Copending Application No. 09/928,624 has been abandoned by Applicants in favor of its progeny National Phase U.S. Application No. 10/486,751, filed February 13, 2004, containing the same claims 1-20.

To obviate the double patenting rejection, Applicants have executed and file herewith a terminal disclaimer in compliance with 37 CFR 1.321(c), together with executed Statements Under 37 CFR 3.73(b) evidencing common ownership of both copending Applications.

Applicants believe that the timely filed terminal disclaimer will place this application in condition for allowance, which is respectfully solicited.

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Respectfully submitted,



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